

# Office Action Summary

Application No.

09/934,782

Applicant(s)

WIERSMA ET AL.

Examiner

Josiah C. Cocks

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-12,14,15,17-20 and 23-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 6-12 is/are allowed.

- 6) ☒ Claim(s) 2,3,5,14,15,17-20 and 23 is/are rejected.

- 7) ☒ Claim(s) 24-29 is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Receipt of applicant's amendment filed 8/20/03 is acknowledged.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 3, 5, 14, 15, 17-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kemp et al.* (US # 4,375,213) in view of *Perl* (US # 3,682,156).

*Kemp et al.* discloses in Figures 1-3 a self-cleaning kitchen oven including an infrared/radiant gas boiler (68) with a venturi tube assembly extending forwardly from a back wall of the oven for supplying fuel (by means of pipe 72) and drawing ambient air for combustion through a venturi tube (74). *Kemp et al.* further discloses that the oven includes a first duct (50) mounted on the oven back wall extending downwardly from the top of the oven, and a second duct (64) in communication with the first duct and an opening of the venturi tube wherein the duct (64) at least partially surrounds the venturi tube opening (see col. 3, lines 64-67). The duct (64) further includes an opening (78) that surrounds the venturi tube opening.

In regard to the limitations of the claims concerning a fan mounted on the oven in communication with the ducting for supplying a positive airflow to the venturi tube opening, *Kemp et al.* discloses a fan (100); however, this fan provides a positive flow for only the cooling air passing through the outer duct (50). *Kemp et al.* further indicates that air is provided to the venturi through duct (64) and venturi (74) to the radiant/infrared burner (68) by means of convection and by the inspiriting effect of the burners (see col. 4, lines 30-33). *Kemp et al.*, therefore, does not explicitly disclose that a fan is providing positive airflow to the venturi tube opening. *Kemp et al.* also does not disclose that an inlet to the ducting is located adjacent a top exterior of the oven.

*Perl* discloses a self-cleaning oven in the same field of endeavor as that of *Kemp et al.* wherein the oven of *Perl* includes a fan (68) in communication with a duct (62) [note: reference characters 62 and 63 are have incorrect lead lines in Fig. 1, outer inlet duct 62 supplies combustion air to the oven cavity (see *Perl*, col. 5, lines 38-65)], which is in communication with a burner tube (22) in the upper portion of an oven cavity. *Perl* also discloses that this fan (68)

provides forced air to the burner (i.e. providing a positive air flow) and draws in air adjacent the top exterior of the oven (see Fig. 1). *Perl* further discloses that it is known in the art that fan assemblies in ovens may be configured to create either a positive or negative air-flow to a burner unit and that when a fan is configured to generate a positive air-flow a slight positive pressure is generated in the oven cavity which is beneficial in cleaning the door surface (see col. 8, lines 43-59). When *Kemp et al.* is modified to include the fan of *Perl* the opening (78) of *Kemp et al.* would function as an opening for discharging excess air of the supply of positive air flow.

Therefore, in regard to claims 1-29, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the oven of *Kemp et al.*: to incorporate the positive air flow fan assembly of *Perl* for the desirable purpose of supplying air to a burner assembly that creates a positive pressure in the oven cavity that aids in the cleaning of the inner surface of the door (see col. 8, lines 46-47), and to incorporate the location of the combustion air inlet adjacent the top exterior of the oven as taught in *Perl* as this configuration facilitates delivery of combustion air at or close to stoichiometric to a burner assembly mounted at the top portion of the oven cavity (see *Perl*, col. 6, line 45, through col. 7, line 9).

***Allowable Subject Matter***

5. Claims 6-12 are allowed.

6. Claims 24-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 8/20/03 have been fully considered but they are not persuasive. Applicant argues that the duct (64) and the duct (50) of *Kemp et al.* are completely separate and not in communication. However, these ducts share inlet opening (66) and are thus regarded as being "in communication" (see *Kemp et al.*, col. 4, lines 30-45).

Applicant also argues that the combination of *Kemp et al.* and *Perl* would not produce an oven having both a venturi and means for supplying a positive air flow to the venturi. The examiner proposes that as *Kemp et al.* discloses a venturi with mixing chamber that desirably provides rapid and efficient combustion (see *Kemp et al.*, col. 3, lines 50-54) and the positive air flow fan of *Perl* creates a positive pressure in the oven cavity that aids in the cleaning of the inner surface of the door (see *Perl*, col. 8, lines 46-47) the combination of these references would maintain both these features.

Applicant also argues that there is no "opening" adjacent the venturi tube in *Kemp et al.* However, as noted above, the examiner regards opening (78) as the opening as claimed by applicant.

Applicant also argues that neither reference show an inlet to the ducting located adjacent the top exterior of the oven. The examiner considers this limitation met by the upper location of the air inlet disclosed in *Perl*.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc  
October 31, 2003

  
JOSIAH COCKS  
PATENT EXAMINER  
ART UNIT 3749